

PUBLICATION

On My Bookshelf – The Other Fellow May Be Right: The Civility of Howard Baker

Authors: Gary C. Shockley

April 13, 2015

It was a beautiful fall afternoon in Knoxville and 100,000 Big Orange fans milled around Neyland Stadium shortly before kickoff. One of them was a then-young partner in a then medium-sized law firm, dressed in jeans and sneakers – me. As I lounged against the side of the stadium near my gate, I saw my senior partner Senator Howard Baker pass by with an august and well-dressed group, obviously headed to a skybox. I was far too casual and too junior to interrupt. Senator Baker walked on a few yards, then stopped, excused himself from his group, and returned to me. "Gary," he said, sticking out his hand, "Great to see you." When Senator Baker died earlier this year, I heard dozens of stories like that from people who enjoyed the many kindnesses, large and small, and the essential decency of one of the greatest Tennesseans of our lifetimes. He may have been a hero on the national stage, but he was always Howard from Huntsville with most of us.

In his new biography, *The Other Fellow May Be Right: The Civility of Howard Baker*, Memphis lawyer Bill Haltom attempts to capture the quicksilver qualities that made Howard Baker both extraordinarily successful and extraordinarily beloved during a long and eventful career. In tracing that career from his days as University of Tennessee student body president to Senate Majority Leader, Chief of Staff to President Ronald Reagan, and U.S. Ambassador to Japan, Haltom finds Baker's use of "strategic civility" to be the key to both his success and his untarnished reputation with the public and on both sides of the aisle. At each step in his rise, Haltom points out the impact of the civility the Senator learned from his father, Representative Howard Baker, Sr., from his maternal grandmother, "Mother" Ladd, who helped to raise him, and from his father-in-law, Senator Everett Dirksen. During each crisis, Senator Baker's willingness to listen, to understand his opponent's needs and desires, and to work for compromise carried the day.

Haltom gives numerous examples of this strategic civility in action. In his first campaign for the U.S. Senate in 1964, Baker met with *Tennessean* publisher John Seigenthaler to pay his respects, even though he had little hope of securing an endorsement. Losing that race, Baker would go on to become the first popularly elected Republican Senator in state history two years later – with the *Tennessean's* endorsement and without any effort to capitalize on the personal problems of his opponent. Once in Washington, he worked with Senator Edward Kennedy, and against his father-in-law, to defeat legislation designed to reverse the one man-one vote rule of *Baker v. Carr*, 369 U.S. 186 (1962) and its progeny.

In the '70s, Senator Baker worked with Democrat Ed Muskie of Maine to author the Clean Air Act and Clean Water Act, two cornerstones of environmental protection. In 1974, he showed his trial lawyer skills as a member of the Senate Watergate Committee and his commitment to his country in pursuing the truth about his friend Richard Nixon. In 1977, he led the way for the Panama Canal Treaty, an initiative of Democratic President Jimmy Carter – and one which may have cost Senator Baker his best shot at the Republican nomination for President in 1980. Once he became Senate Majority Leader in 1981, he continued to demonstrate the benefits of strategic civility, securing a debt ceiling increase needed by his President but opposed by many members of his caucus.

Haltom's stories about Baker's relationship with Democratic Leader Robert Byrd of West Virginia are particularly telling. After an informal agreement that they would try never to surprise one another, Minority Leader Baker met with Byrd every day in the well of the Senate to shake hands. Perhaps most important to the

spirit of bipartisan cooperation he nurtured, Senator Baker arranged for Senator Byrd to play his fiddle on the stage of the Grand Ole Opry, with Roy Acuff looking on. Whatever the event may have lacked in musicality, it more than made up for in civility. Rather than move to the Majority Leader's "Taj Mahal" office occupied by Byrd after the 1980 election tipped the balance to the Republicans, Baker chose to stay in his father-in-law's former office (which he preferred in any event).

This is a book that should be of real interest to all Tennessee lawyers. Haltom doesn't ignore Howard Baker's successful career as a trial lawyer before he was elected Senator, including his more than 50 murder trials, none of which resulted in a death sentence. In fact, it's clear that many of the lessons Baker learned in country courthouses in East Tennessee served him well in Washington and beyond. Thoroughly researched, breezily written and timely, *The Other Fellow May Be Right* is an important reminder that relentless partisanship and search-and-destroy tactics are not the only way to conduct the public's business – or our own. One Tennessean chose the opposite path and followed it to his country's highest offices and greatest honors.

Reprinted from the January 2015 issue of the Tennessee Bar Journal, a publication of the Tennessee Bar Association.